

201 KAR 27:105. Violations, penalties, and appeals.

RELATES TO: KRS 229.021, 229.031, 229.071, 229.091, 229.155, 229.171, 229.180, 229.190, 229.200, 229.991, EO 2016-270

STATUTORY AUTHORITY: KRS 229.071, 229.091, 229.155, 229.171, 229.180, 229.190, 229.200, 229.991

NECESSITY, FUNCTION, AND CONFORMITY: KRS 229.171(1) authorizes the authority to exercise sole jurisdiction over all boxing, kickboxing, mixed martial arts, and wrestling shows, exhibitions, and licensees in the commonwealth. Executive Order 2016-270, effective May 16, 2016, abolished the Kentucky Boxing and Wrestling Authority and established the Kentucky Boxing and Wrestling Commission. This administrative regulation provides the policies and procedures that govern the finding of a violation of KRS Chapter 229 or 201 KAR Chapter 27, the issuance of a penalty, and the appeal of a penalty.

Section 1. Violations. (1) A person shall be guilty of a violation for any of the following actions:

- (a) Violating any provision of KRS Chapter 229;
 - (b) Violating any provision of 201 KAR Chapter 27;
 - (c) Being found guilty of, pleading guilty to, pleading no contest to, or entering an Alford plea to a crime, other than a traffic violation, that is detrimental to the interests of boxing, kickboxing, mixed martial arts, or wrestling generally or to the public interest, convenience, or necessity in any jurisdiction;
 - (d) Being found liable in a civil action for any claim that involves fraud or dishonesty in any jurisdiction if the person is a licensed promoter, manager, referee, or judge;
 - (e) Violating a law related to boxing, kickboxing, mixed martial arts, elimination events, or wrestling in any jurisdiction;
 - (f) Placing a bet or wager on any bout or match in which the person participates or works;
 - (g) Serving as, or consorting or associating with any person who is, a bookmaker or illegal gambler;
 - (h) Participating in an unlicensed event; or
 - (i) Declaring bankruptcy if the person is a licensed promoter, manager, referee, or judge.
- (2) A person shall be guilty of a violation if the person authorizes or ratifies any of the actions in subsection (1) of this section if the action is taken by the person's agent, employee, shareholder, member, officer, or director.
- (3) A person who commits a violation shall be issued a notice of violation.

Section 2. Penalties. (1) If the commission has reason to believe that a person has committed a violation, the commission may impose one (1) or more of the following actions:

- (a) Issue a cease and desist order;
 - (b) Declare a contestant ineligible to compete or disqualify the contestant;
 - (c) Eject the person from the premises at which the show or exhibition is taking place;
 - (d) Issue a fine;
 - (e) Suspend, reprimand, revoke, probate, or refuse to renew or issue a license; or
 - (f) Refer the person for criminal prosecution.
- (2) In issuing a penalty pursuant to subsection (1) of this section, the commission shall consider:
- (a) The severity of the violation;
 - (b) The licensee's history of violations and penalties; and
 - (c) The violation's potential impact on health, safety, and the outcome of a contest; and

(d) If the penalty is for a violation of 201 KAR 27:021, the penalty guidelines established in 201 KAR 27:021, Section 7.

(3) A person whose license is currently suspended shall be prohibited from:

- (a) Being present in a locker room that is used during a commission-sanctioned event; and
- (b) Being located within the six (6) foot area surrounding the ring or cage at a commission-sanctioned event.

Section 3. Inspector's Authority to Issue a Violation and a Penalty. (1) Pursuant to KRS 229.155, the commission shall authorize its inspectors to:

(a) Issue a notice of violation in accordance with Section 1 of this administrative regulation; and

(b) Issue a penalty in accordance with Section 2 of this administrative regulation.

(2) A penalty issued by an inspector shall be subject to appeal pursuant to Section 5 of this administrative regulation.

Section 4. Reciprocity of a Penalty. (1) A licensee who is subjected to a penalty in any jurisdiction shall report to the commission within ten (10) days the date, type, and reason for the penalty given and the name of the regulatory body that ordered the penalty.

(2) The commission shall enforce the penalty given by any other regulatory body unless the licensee shows good cause why the commission should not reciprocally enforce the penalty.

Section 5. Appeals. (1) Any person issued a penalty may appeal the penalty to the full commission.

(2) An appeal shall be filed within twenty (20) days of the date the penalty is issued.

(3) The provisions of KRS Chapter 13B shall govern all administrative appeals.

Section 6. Effect of Expiration of License on Jurisdiction of the Commission. The expiration of a license shall not deprive the commission of jurisdiction to:

(1) Proceed with an investigation of the former licensee; or

(2) Issue a penalty against the former licensee. (43 Ky.R. 367, 748, 979; eff. 1-6-2017.)